

1 **R277. Education, Administration.**

2 **R277-472. Charter School Student Enrollment and Transfers and**
3 **School District Capacity Information.**

4 **R277-472-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Below capacity at the elementary and secondary level"
7 making the grade level available for transfer students from
8 charter schools outside of the window provided for in Section
9 53A-1a-506.6(3) is established if the grade level or program
10 is less than 100 percent of the district, school, or grade
11 level average.

12 (1) A special program is "below capacity" or available
13 for transfer students from charter schools if the number of
14 assigned students is less than the designated number of
15 students determined by valid, research-based, or federally
16 established standards.

17 (2) An entire elementary or secondary school is "below
18 capacity" if the district determines that the average class
19 size, using calculations of classes and courses in R277-471-1,
20 is less than 100 percent of the district elementary or
21 secondary average class size.

22 C. "Elementary (K-6) class size" means the number of
23 students with a primary assignment to a specific teacher.

24 (1) An extended day class in which a portion of the class
25 arrives early and the other portion stays late shall be
26 counted as one class.

27 (2) Elementary class size shall include all special
28 education students who participate in all or part of the
29 school day excluding those students assigned to self-contained
30 special education classes.

31 D. "Secondary (7-12) class size" means the secondary
32 school's calculation for each language arts, mathematics, and
33 science course that is typically taught multiple times in the
34 school day, such as 8th grade English, Algebra 1, Earth

Systems.

R277-472-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-1a-506.5(2) which directs the Board to make rules for students transferring between charter schools and district schools and enrolling and withdrawing from charter schools, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide procedures for students transferring between district public schools and charter schools; to define capacity in district public schools to allow for transfers into district schools from charter schools; to provide notice to parents and students of schools that have space available.

R277-472-3. Class Size Calculations.

A. Elementary class size: Each school district (or school as determined by the school district) shall calculate an average class size for each grade level. This calculation shall be derived from the total number of students in a given grade divided by the number of full time licensed teachers assigned to that grade.

(1) Students assigned to multiple grade level classes (and their respectively assigned teachers) shall not be counted in determining average class size for a grade level.

(2) Elementary classes that group students in programs other than by grade level, such as gifted and talented or English Language Learner programs, shall be calculated as a class if students participate for the entire instructional day.

(a) If students participate in special programs for part

67 of the school day, they must be counted as part of their
68 age-appropriate grade level (together with respective
69 teachers) for purposes of this calculation.

70 (b) If multiple classes of special programs exist
71 (including self-contained special education classes), an
72 average class size for special programs must be
73 determined-consistent with state, federal and program
74 standards.

75 B. Elementary school size: Each school district (or
76 school) shall calculate a school-wide average class size by
77 dividing the total full time teachers assigned to direct
78 teaching situations by the total number of students receiving
79 instruction.

80 (1) Self-contained special education students and
81 teachers shall not be included in this calculation.

82 (2) All other special education students and teachers
83 shall be included.

84 C. Secondary average class size: Each school district
85 (or secondary school as determined by the district) shall
86 calculate an average class size for each language arts,
87 mathematics and science course that is taught multiple times
88 during a typical school day by dividing the total number of
89 full time teachers assigned to direct teaching situations by
90 the total number of students enrolled.

91 (1) Self-contained special education students and
92 teachers shall not be included in this calculation.

93 (2) All special education students, other than full-time
94 self-contained students, shall be included in the calculation.

95 D. District average: Each school district shall
96 calculate the district-wide average class size for each grade
97 level, each elementary program that enrolls students across
98 grade levels and for each language arts, mathematics, and
99 science course.

100 (1) The calculation shall be determined by dividing the

total number of full time teachers (FTEs) assigned to direct teaching situations by the total number of fully enrolled students.

(2) All calculations shall be made using October 1 enrollment and employment data.

R277-472-4. School District School Capacity Information.

A. School districts shall provide and post the following information to facilitate transfer of students on school district or school websites:

(1) Elementary schools within the school district that are below capacity and available for transfer students;

(2) Grade levels and special programs within elementary schools that are below capacity and available for transfer students;

(3) Secondary schools that are below capacity and available for transfer students based on calculated capacity of language arts, science and mathematics; and

(4) Special programs within secondary schools that are below capacity and available for transfer students.

B. Below capacity standards for individual schools, grade levels, courses or programs do not apply if a school has documentation that the school community council in a public meeting has designated more than one-half of a school's school LAND trust annual allotment to reduce class size in a specific school, grade level, program or course.

R277-472-5. Application Procedures for Students Entering and Exiting Charter Schools.

A. Each charter school shall post on its website information and procedures required under Section 53A-1a-506.5(2).

B. Each charter school shall develop and post admissions procedures for the charter school including:

133 (1) Lottery dates and procedures;
134 (2) Admission forms;
135 (3) School calendar;
136 (4) Non-discrimination assurances;
137 (5) A clear explanation, including timelines required in
138 the law and provided in individual charter school policies,
139 of student transfer procedures from a charter school to
140 another charter school or to a district school;
141 (6) A readily accessible transfer form; and
142 (7) Assurance and parent signature that student has been
143 admitted to only one charter school.

144 **R277-472-6. Enrollment of Transferring Charter School**
145 **Students in District Schools.**

146 A. A school district shall enroll a student who is a
147 resident of a school district, who desires to transfer from a
148 charter school to the resident school after June 30 and who
149 submits enrollment information consistent with all school
150 district students in a district school that is below capacity.

151 B. A school district shall not require enrollment
152 procedures or forms from students moving from a charter school
153 to a district school that differ in any way from enrollment
154 procedures/forms required for district students if the charter
155 school students are leaving a charter school after the final
156 grade level offered by the charter school.

157 C. Students who are transferring from a charter school to
158 a district school after June 30 for the upcoming school year
159 are limited to schools, grade levels, programs and courses
160 that have space available or are below capacity at the
161 district schools.

162 D. Parents/Students who are enrolled at charter schools
163 and are seeking enrollment at district schools should check
164 with the school district office (or school principal if
165 designated by the school district) for official current

capacity information about schools, grade levels, programs or courses before leaving a charter school and forfeiting a charter school enrollment right.

E. Consistent with Section 53A-11-904(3), students may be denied enrollment in a public school if they have been expelled from a public school.

F. Students may be denied enrollment in a public school if they leave a public school with disciplinary procedures pending at the previous Utah public school until previous allegations have been resolved.

G. Charter schools and district schools shall notify each other of student enrollment consistent with Section 53A-1a-506.5(4).

KEY: charter schools, students, transfers

Date of Enactment or Last Substantive Amendment: 2010

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1a-506.5(2); 53A-1-401(3)